

ECF CASE  
JUDGE MARRERO

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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**J & J SPORTS PRODUCTIONS, INC., as  
Broadcast Licensee of the May 5, 2007  
DeLaHoya/Mayweather Program,**  
Plaintiff,

-against-

**ATTORNEY'S AFFIDAVIT OF COSTS  
AND FEES**  
Civil Action No.07-CV-8106-VM-KNF  
HON. VICTOR MARRERO

RICARDO RAMIREZ and CARMEN RAMIREZ,  
Individually, and as officers, directors, shareholders  
and/or principals of DON RICARDO STEAK  
HOUSE LLC d/b/a DON RICARDO  
RESTAURANT a/k/a DON RICARDO  
STEAKHOUSE,

and

DON RICARDO STEAK HOUSE LLC d/b/a DON  
RICARDO RESTAURANT a/k/a DON RICARDO  
STEAKHOUSE,

Defendants.

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STATE OF NEW YORK :  
: SS.:  
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$300.00  
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$750.00  
See below

Total Litigation Expenses .....(\$1,400.00)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>	<u>(in hours)</u>	<u>Fee</u>
06/18/2007	Factual research and development	.50	\$100.00
06/20/2007	Claim Letter issued	.25	\$18.75
06/12/2007	TC from Defendant	.12	\$25.00
07/27/2007	Final Notice Ltr	.25	\$18.75
09/11/2007	Complaint drafted, Corporate disclosure	.50	\$100.00
09/12/2007	Complaint sent to Court for Filing	.25	\$18.75
09/25/2007	Arranged Service	.25	\$18.75
10/25/2007	Review Service	.13	\$25.00
10/25/2007	Filed and mailed Proofs of Service	.25	\$18.75
11/02/2007	Review Ltr.	.12	\$25.00
11/14/2007	Ltr in response	.25	\$18.75
11/28/2007	Drafting Request for Default	.50	\$100.00
11/28/2007	Filed and mailed Request For Default	.50	\$37.50
12/03/2007	Review Clerk's Certificate	.13	\$25.00
12/04/2007	Drafted Motion for Default	1.0	\$200.00
		Hours 3.00 Atty	Fee \$600.00

<b>2.00 Para</b>	<b>\$150.00</b>
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<b>Total</b>	<b>\$750.00</b>
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5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control State Liquor Authority. The results show that Ricardo Ramirez and Carmen Ramirez are principals of Don Ricardo Steak House LLC. The public Query Results page is attached hereto, as Exhibit "B".

6. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

**WHEREFORE**, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

**Against, RICARDO RAMIREZ Individually, and as officers, directors, shareholders and/or principals of DON RICARDO STEAK HOUSE LLC d/b/a DON RICARDO RESTAURANT a/k/a DON RICARDO STEAKHOUSE**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FOUR HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$466.66)

**Against, CARMEN RAMIREZ, Individually, and as officers, directors, shareholders and/or principals of DON RICARDO STEAK HOUSE LLC d/b/a DON RICARDO RESTAURANT a/k/a DON RICARDO STEAKHOUSE**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)

- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FOUR HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$466.66)

Against, **DON RICARDO STEAK HOUSE LLC d/b/a DON RICARDO RESTAURANT a/k/a DON RICARDO STEAKHOUSE,**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FOUR HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$466.66)

Dated: December 4, 2007  
Ellenville, NY 12428

/s/ Julie Cohen Lonstein  
Julie Cohen Lonstein, Esq.  
Bar Roll No. JL8512  
Lonstein Law Office, P.C.  
Attorneys for Plaintiff  
1 Terrace Hill; PO Box 351  
Ellenville, NY 12428  
Telephone: 845-647-8500  
Facsimile: 845-647-6277

Sworn to before me this 4<sup>th</sup>  
day of December 2007

/s/ April Draganchuk  
*April Draganchuk*  
*Notary Public State of New York*  
*Registration No. 4945872*  
*Residing in Ulster County*  
*My Commission Expires Jan. 27, 2011*

Exhibit A

1 Terrace Hill  
P.O. Box 615  
Ellenville, NY 12428

Date	Invoice #
10/25/2007	1142

**Bill To**

Lonstein Law Office, PC  
Wayne D Lonstein  
1 Terrace Hill  
P.O. Box 351  
Ellenville, NY 12428

Description	Amount
INDIVIDUAL SERVICE J&J v. RICARDO RAMIREZ YOUR FILE #07-4-S04V CV #07-8106	100.00
INDIVIDUAL SERVICE J&J v. CARMEN RAMIREZ YOUR FILE #07-4-S04V CV #07-8106	100.00
CORPORATE SERVICE J&J v. DON RICARDO STEAK HOUSE, LLC YOUR FILE #07-4-S04V CV#07-8106	100.00
<b>Total</b>	\$300.00

Exhibit B

## NEW YORK STATE

Eliot Spitzer  
GovernorDivision of Alcohol Beverage Control  
State Liquor Authority  
Noreen Healey  
CommissionerJoshua B. Toas  
CEODaniel B. Boyle  
Chairman[Home](#)[Office Directory](#)[Licensing  
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Query**[Wholesale](#)[Full Board  
Calendar](#)[500 Foot Hearings](#)[Press Office](#)[Enforcement](#)[Training  
Information](#)[FAQs](#)[ABC Law](#)[Mission Statement](#)[Privacy](#)[Security](#)[Help](#)**Public Query - Results****License Information****Serial Number:** 1176346**License Type:** ON-PREMISES LIQUOR**License Status:** License is Active**Credit Group:** 2**Filing Date:** 04/11/2006**Effective Date:** 10/24/2006**Expiration Date:** 09/30/2008**Premises Information****Principal's Name:** RAMIREZ,RICARDO  
RAMIREZ,CARMEN**Premises Name:** DON RICARDO STEAK HOUSE LLC**Trade Name:** DON RICARDO RESTAURANT**Zone:** 1**Address:** 4460 BROADWAY

190TH STREET &amp; 192ND STREET

NEW YORK, NY 10040

**County:** NEW YORK

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